

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

DECARLO LAMONT WHITLEY

Date of Previous Judgment: 12/18/2003

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: 3:02CR00161-001

) USM No: 15067-058

) Randolph Lee

) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

- DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 23

Amended Offense Level: 23

Criminal History Category: V

Criminal History Category: V

Previous Guideline Range: 84 to 105 months

Amended Guideline Range: 84 to 105 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.  
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
 Other (explain): No change since the guideline calculations were controlled by the § 922(g) violation in this case.

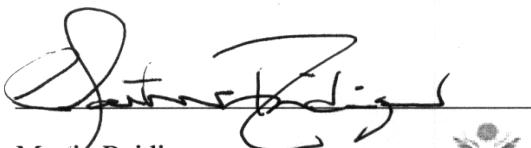
**III. ADDITIONAL COMMENTS**

The defendant is also serving a 60-month consecutive sentence on Count Two for a conviction of 18 U.S.C. § 924(c).

Except as provided above, all provisions of the judgment dated 12/18/2003 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: April 20, 2009

  
Martin Reidinger  
United States District Judge

Effective Date: \_\_\_\_\_  
(if different from order date)